

William Nelson  
1523 132<sup>ND</sup> ST SE STE. C418  
Everett, Washington 98208  
425-645-9222 | 808-204-1401  
william@seattleseahawks.me

HON. JUDGE TANA LIN  
NOTED FOR SAME-DAY CONSIDERATION (LCR 7(d)(1))

FILED	LOGGED
RECEIVED	
JUL 21 2025	
CLERK U.S. DISTRICT COURT	
WESTERN DISTRICT OF WASHINGTON AT TACOMA	
BY	DEPUTY

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON AT (TACOMA DIVISION)

**WILLIAM NELSON,**

**Plaintiff,**

**vs.**

**WASHINGTON BOARD OF INDUSTRIAL  
INSURANCE APPEALS ET AL.**

**Defendants.**

Case No.: 3:25-cv-05551-DGE

**DECLARATION OF WILLIAM J. NELSON  
IN SUPPORT OF MOTION TO VACATE OR  
HOLD IN ABEYANCE ORDER (DKT. 29)**

I, **William J. Nelson**, state the following facts based on my personal knowledge and am prepared to testify to them under oath:

**A. Personal and medical background**

1. I am the pro se plaintiff in this case.

2. Because of long-COVID I suffer from significant cognitive fatigue and “post-exertional symptom exacerbation” (PESE/PEM). These conditions keep me home-bound and make it unsafe for me to drive.

3. My physicians, Dr. David H. Higginbotham (primary care) and Daniel Fox, LMHC (psychotherapy), have both documented these limitations. Their letters appear at Dkt. 18-1 and 18-2.

3a. I also suffer from pronounced **short-term-memory deficits**: ordinary events and instructions seldom transfer into long-term memory. To function day-to-day, I completely rely on **Athena AI**—assistive software I programmed, trained, and refined before my August 2022 long-COVID collapse—to track tasks, recall information for me, and automate complex yet repetitive steps that my condition makes impossible to

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ABEYANCE ORDER (DKT. 29) - 1

do unaided. David H. Higginbotham (primary care) and Daniel Fox, LMHC (psychotherapy), have both documented these limitations. Their letters appear at Dkt. 18-1 and 18-2.

**B. ADA accommodation requests and denial**

4. Since May 2025 I have asked the Clerk's Office and the Court for permission to submit filings by e-mail as a reasonable accommodation under Title II of the ADA and § 504 of the Rehabilitation Act (see Dkts. 11, 15, 18).

5. The Court denied those requests in Order 19 (entered 26 June 2025) based on its own observations—for example, that I had been able to file papers before—rather than on any contrary medical evidence.

**C. Reliance on my mother as courier**

6. Because I cannot travel to Tacoma, my mother, Cynthia S. Nelson, drives roughly 120 miles round-trip to carry my signed papers to the Clerk.

7. Cynthia is also filing documents in this action on her own behalf, which places our interests at odds.

**D. Events of 7–8 July 2025**

8. On 6 July 2025 Cynthia picked up three documents I finished on 3 July 2025 (later docketed as Dkts. 30–32) and agreed to file them on 7 July 2025.

9. On 7 July 2025 she refused to file the papers unless I gave her unrestricted access to my assistive software, Athena AI. She cited the “sacrifices” she had made for me and demanded immediate help with several unrelated tasks.

10. The stress caused severe cognitive overload: I began stuttering, felt light-headed, and could not follow simple directions.

11. My wife, Jessie L. Nelson, consulted Daniel Fox, LMHC. He advised that I be monitored continuously for 48 hours and that all appointments be cancelled.

12. After Jessie intervened, Cynthia filed the documents late on 8 July 2025. The Clerk stamped them

1 "Filed 07/08/25." Earlier that day, without those filings on the docket, the Court issued Order 29 denying a  
2 recusal request I never made.

3  
4 **E. Continuing harm**

5 13. Without an e-mail-filing accommodation, every new submission forces me to repeat this problematic  
6 courier arrangement, worsens my medical condition, and limits my meaningful access to the courts.

7  
8 I declare under penalty of perjury that the foregoing is true and correct. Executed in Everett, Washington, on  
9 15 July 2025.

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12 **William Nelson, Pro Se**  
13 1523 132<sup>ND</sup> ST SE. STE C418  
14 Everett, Wa 98208  
15 (425) 645-9222 (desk)  
16 (425) 800-8800 (mobile)  
17 (808) 204-1401 (fax)  
18 william@seattleseahawks.me (email)